

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

|                              |   |              |
|------------------------------|---|--------------|
| SHANE RICHARD MULHERN        | : | CIVIL ACTION |
| <i>Petitioner</i>            | : |              |
| v.                           | : | NO. 15-6122  |
|                              | : |              |
| JOHN KERESTES, <i>et al.</i> | : |              |

**O R D E R**

AND NOW, this 10<sup>th</sup> day of November, 2016, upon careful and independent consideration of the petition for writ of *habeas corpus*, and after review of the Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Clerk of Court is directed to place the petition for a writ of *habeas corpus* in civil **SUSPENSE** until the conclusion of the state post-conviction proceedings;
3. Consequently, consideration of Petitioner's motion to amend his *habeas* petition, [ECF 12], is **STAYED** pending the conclusion of the state post-conviction proceedings; and
4. Petitioner and the District Attorney shall notify the Court within thirty (30) days of the conclusion of the state proceedings so the *habeas* petition may proceed in this court.

**BY THE COURT:**

/s/ Nitza I. Quiñones Alejandro  
**NITZA I. QUIÑONES ALEJANDRO**  
*Judge, United States District Court*